

U.S. Department of Justice



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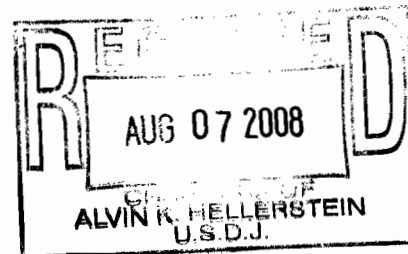
United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

August 7, 2008

By Fax

Hon. Alvin K. Hellerstein
United States District Judge
United States Courthouse
500 Pearl Street, Room 1050
New York, New York 10007



Re: Candida Berrora Figueroa v. Astrue
08 Civ. 2812 (AKH)

Dear Judge Hellerstein:

This Office represents the Commissioner of Social Security, defendant in the above-referenced action. We write respectfully to request an adjournment of the Court's briefing schedule.

The Government has now answered the complaint. After one extension was granted because this Office had not received the administrative record for this matter, the current briefing schedule provides that all moving papers are due by August 12, 2008, opposition papers are due by September 9, 2008, and reply papers are due by September 23, 2008. In reviewing the record further, we encountered an issue that required this Office to seek further information from the agency. We have asked the Social Security Administration to provide us with an answer to our concerns, which could result in change of the defendant's litigation position in this action. With the consent of the plaintiff pro se, we respectfully request that the briefing schedule be amended as follows:

- (1) Moving papers shall be submitted by September 26, 2008;
- (2) Opposition papers shall be submitted by October 17, 2007;
- (3) Reply papers shall be submitted by October 31, 2008.

So Ordered
8-8-08
Alvin K. Hellerstein

Thank you for your consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:



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cc: Candida Berrora Figueroa
(By Mail)